

OCT 11 2005

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No. of Pages:	4	Date:	October 11, 2005
Re:	Serial No. 10/606,302	File:	2027.694096

*w/ coversheet

ORIGINAL: Will follow XX Will not follow

•Comments:

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DANILO PORRO
MICHAEL SAUER

Serial No.: 10/606,302

Filed: June 25, 2003

For: ASCORBIC ACID PRODUCTION
FROM YEAST

Confirmation No. 4661

Group Art Unit: 1636

Examiner: David A. Lambertson

Attorney Docket: 2027.594096/RFE
(2005941)

CUSTOMER NO. 23720

RESPONSE TO OFFICE ACTION
DATED SEPTEMBER 8, 2005MAIL STOP AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450CERTIFICATE OF FACSIMILE
37 C.F.R. § 1.6(d)I hereby certify that this paper is being facsimile transmitted
to MAIL STOP AMENDMENT, Commissioner for Patents,
P. O. Box 1450, Alexandria, VA 22313-1450, facsimile
number 1-571-273-8300, on this 11th day of October 2005.
Cynde Meinhan

Sir:

This paper is submitted in response to the Office Action dated September 8, 2005, for which the date for response was Saturday, October 8, 2005. Monday, October 10, 2005 was a Federal holiday; therefore, this paper can be timely filed on Tuesday, October 11, 2005.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Director is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2027.594096RE.

The Examiner required restriction to one of the following inventions:

Group	Claims	Drawn to
I	1-6, 8-34	Method of generating ascorbic acid by culturing a <i>Kluyveromyces</i> species
II	1-6, 8-34	Method of generating ascorbic acid by culturing a <i>Zygosaccharomyces</i> species
III	8-34	Method of generating ascorbic acid by culturing a yeast species
IV	35	<i>S. cerevisiae</i> species comprising at least one coding sequence selected from ARA, AGD, ALO, AGD plus LGDH, ALO plus LGDH, and ARA plus ALO

Applicants select Group III, claims 8-34.

The Examiner considered claim 11 to be generic and required election of a single disclosed species of coding sequence selected from L-galactose dehydrogenase (LGDH), L-galactono-1,4-lactone dehydrogenase (AGD), D-arabinose dehydrogenase (ARA), D-arabinono-1,4-lactone oxidase (ALO), or L-gulono-1,4-lactone oxidase (RGLO). Applicants elect D-arabinono-1,4-lactone oxidase (ALO).

The Examiner considered claim 24 to be generic and required election of a single second disclosed species of coding sequence selected from LGDH, AGD, ARA, ALO, or RGLO. Applicants elect L-galactose dehydrogenase (LGDH).

The Examiner considered claim 35 to be generic and required election to ARA, AGD, ALO, AGD plus LGDH, ALO plus LGDH, or ARA plus ALO. Applicants, above, did not select Group IV, claim 35, in response to the restriction requirement and request to defer election until such time as claim 35 will be examined by the USPTO.

The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
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October 11, 2005



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